

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: TRI-STATE MECHANICAL SERVICE, INC., <div style="text-align: center;">Debtor.</div> <hr/>	: : : : : : : : : : :	Bankruptcy No. 90-22783-CMB Chapter 7 Hearing Date: May 27, 2014 Hearing Time: 1:30 p.m. Related to doc. # 484
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**RESPONSE OF JAMES A. PROSTKO, CHAPTER 7 TRUSTEE
TO THE RULE TO SHOW CAUSE**

Now comes, James A. Prostko, Chapter 7 Trustee, and responds to Rule to Show Cause of May 2, 2014, based upon the following:

1. James A. Prostko was appointed and is serving as the Chapter 7 Trustee in this case.
2. The Trustee's Final Report and Account and Proposed Order of Distribution were filed on August 27, 2009, along with the U.S. Trustee's Statement of Review.
3. The Order of Distribution was entered on October 6, 2009, and in late October the Trustee issued over 2000 distribution checks. Due to the age of the case, many checks were returned to the Trustee by the U.S. Postal Service.
4. The Trustee was able to locate many of the creditors but some of the auto dealers and trade creditors of the debtor were no longer in business. As a result the Motion to Pay Unclaimed Funds contained funds of over \$277,000.
5. The unclaimed funds were paid to the Clerk of the Bankruptcy Court and on March 18, 2013, the Trustee hand delivered the original zero balance bank statement, all other

original bank statements and all cancelled checks to the Office of the United States Trustee in Pittsburgh. The Trustee also emailed the TDR and Forms 1 and 2 to the United States Trustee as required. The Trustee did not realize that the United States Trustee did not receive the emails. The emails were apparently rejected because the PDF attachments were too large. (The TDR and Forms 1 and 2 are over 340 pages). The Trustee split the TDR into two PDF attachments but the forms were still rejected by the United States Trustee email.

5. Because the emails were not received, the Office of the United States Trustee mailed the original bank statements and checks to the Trustee, however the address used was not the Trustee's current address. The United States Trustee requested that the documents be mailed to the Wilmington, Delaware office.

6. Since the issuance of the Rule to Show Cause, the Trustee has located the original documents, contacted the Pittsburgh Office of the United States Trustee to verify that the procedures have not been revised, and upon confirmation of the current procedure, submitted the documents to the Office of the United States Trustee in Wilmington, Delaware. The Trustee is awaiting the response of the United States Trustee.

WHEREFORE, James A. Prostko, Trustee, respectfully requests that this Honorable Court determine that the rule to show cause has been answered regarding the status of the zero balance bank statement.

PHELAN HALLINAN LLP

Date: May 22, 2014

/s/ James A. Prostko, Esquire

James A. Prostko, Esquire

PA ID No. 27221

Phelan Hallinan LLP

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TRI-STATE MECHANICAL SERVICE,
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CERTIFICATE OF SERVICE

I certify under penalty of perjury that I served or caused to be served the Trustee's Response to the Rule to Show Cause on the parties at the addresses shown below or on the attached list on May 22, 2014. The types of service made on the parties were: Electronic Notification and First Class Mail.

Service by Electronic Notification
United States Trustee
Suite 970 Liberty Center
1001 Liberty Avenue
Pittsburgh, PA 15222

Service by First Class Mail
Tri-State Mechanical Service, Inc.
150 Beta Drive, RIDC Indus. Park
Pittsburgh, PA 15238

PHELAN HALLINAN LLP

Date: May 22, 2014

/s/ James A. Prostko, Esquire
James A. Prostko, Esquire
PA ID No. 27221
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